

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

March 15, 2010 – 7:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Carl Ford, Chairman
Chad Mitchell, Vice-Chairman
Jon Barber, Member
Raymond Coltrain, Member
Tina Hall, Member

County Manager Gary Page, Clerk to the Board Carolyn Athey, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Ford convened the meeting at 7:00 pm.

Commissioner Mitchell provided the Invocation and also led the Pledge of Allegiance.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Coltrain seconded and the vote to approve the minutes of the February 17, 2010 and March 1, 2010 Commission Meetings passed unanimously.

CONSIDER ADDITIONS TO THE AGENDA

- Commissioner Barber requested to add a discussion related to the Enochville Fire district and Cabarrus County. The motion was seconded by Commissioner Mitchell and passed unanimously.

Chairman Ford added the discussion as agenda item #8a.

- Commissioner Coltrain requested to add an item to the Consent Agenda regarding a request from the Cooperative Extension for approval to submit a grant application to the Robertson Foundation. Commissioner Mitchell seconded and the motion passed unanimously.

Chairman Ford added the issue as Consent Agenda item H.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved approval of the agenda. The motion was seconded by Commissioner Coltrain and passed unanimously.

1. CONSIDER APPROVAL OF THE CONSENT AGENDA

Commissioner Barber requested to recuse himself from voting on the Consent Agenda due to item G based on a recent personal announcement.

Chairman Ford asked County Attorney Jay Dees if he should remove Item G from the Consent Agenda or allow Commissioner Barber to recuse himself from the entire Consent Agenda. Commissioner Barber responded that he was recusing himself from the entire Consent Agenda.

Chairman Ford called for a vote of the Consent Agenda and the vote to approve the Consent Agenda passed unanimously (4-0).

The Consent Agenda consisted of the following:

- A. Approval of CTP Resolution Authorizing Rowan County to Enter Into Agreement with the North Carolina Department of Transportation (East Rowan Express)

WHEREAS, ROWAN COUNTY has requested the North Carolina Department of Transportation to assist in the funding of the East ROWAN EXPRESS operating as a fixed public transportation route and

WHEREAS, ROWAN COUNTY will provide a 10% local match of the above described project;

NOW THEREFORE, BE IT RESOLVED that the Rowan County Manager is hereby authorized to amend the current FY'2010 contract with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division.

- B. Approval of Resolution Opposing Transfer of Secondary Road Program to Counties

WHEREAS, Rowan County opposes (1) the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement and maintenance, (2) any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties, and (3) any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax or any other local revenue for State transportation programs or any other State programs; and

WHEREAS, legislation has now been introduced (Senate Bill 758) that would transfer responsibility for and maintenance of secondary roads from the State to counties beginning in 2011; and

WHEREAS, according to statistics compiled by the North Carolina Association of County Commissioners in 2008, there are 1,037 miles of secondary roads located in Rowan County; and

WHEREAS, without the continuation of existing State revenue streams to pay for road upkeep and construction, Rowan County would be forced to raise the property tax rate by approximately 6.3 cents in order to keep up the current level of funding needed to maintain our existing secondary roads; and

WHEREAS, Rowan County does not have the equipment or capital to take on this massive additional responsibility.

NOW, THEREFORE, BE IT RESOLVED, that the Rowan County Board of Commissioners:

1. Strongly opposes Senate Bill 758, which, if ratified would transfer responsibility for and maintenance of secondary roads from the State to counties.
 2. Strongly urges all counties to contact their legislative delegation to solicit their support in defeating this proposed legislation.
 3. Direct that a copy of this resolution be transmitted to the members of the North Carolina General Assembly representing the Rowan County Board of Commissioners' concern about the transfer of this and future State cost shifts to counties.
 4. Direct that a copy of this resolution be sent to the North Carolina Association of County Commissioners and to the other North Carolina counties.
- C. Approval of Application for Continuation of Implementation Funding for Criminal Justice Partnership Program
- D. Set Quasi-Judicial Public Hearing for April 5, 2010 for CUP 01-10
- E. Approval of Proclamation for National Library Week 2010

WHEREAS, Rowan Public Library plays a vital role in supporting the quality of life in our community; and

WHEREAS, our library makes a difference in the lives of thousands of citizens in our community, today, more than ever; and

WHEREAS, our professional librarians help people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Rowan Public Library serves as a crucial technology hub for people in need of free Web access, computer training, and assistance finding job resources; and

WHEREAS, libraries are part of the American Dream – places for opportunity, education, self-help and lifelong learning; and

WHEREAS, library use has increased in Rowan County and nationwide among all types of library users, continuing a decade-long trend; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, BE IT PROCLAIMED, that the Rowan County Board of Commissioners does hereby recognize the week of April 11-17, 2010 as National Library Week in Rowan County and encourages all residents to visit the library this week to take advantage of the wonderful library resources available.

F. Approval of Proclamation Declaring April as Child Abuse Prevention Month

WHEREAS, child maltreatment is a community problem and finding a solution depends upon involvement among people throughout the community;

WHEREAS, child maltreatment occurs when parents find themselves in stressful situations without community resources and unable to cope;

WHEREAS, approximately 127,192 children are reported abused and neglected in North Carolina each year;

WHEREAS, 33 children were victims of child abuse homicide in North Carolina during the year 2008;

WHEREAS, the majority of child maltreatment cases stem from situations and conditions that are preventable in an engaged and supportive community;

WHEREAS, the effects of child maltreatment are felt by whole communities, and need to be addressed by the entire community;

WHEREAS, effective child maltreatment prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

THEREFORE, the Rowan County Commissioners, do hereby proclaim April 2010 as Child Abuse Prevention Month in Rowan County and call upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

- G. Approval of Funding Reallocation Recommendation from Juvenile Crime Prevention Council
- H. Approval for Cooperative Extension to Submit Grant Application to Blanche & Julian Robertson Foundation (Approved as addition to Consent Agenda)

2. PUBLIC COMMENT PERIOD

Chairman Ford opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Dr. James Emerson, Chairman of the Rowan-Salisbury Board of Education (BOE), requested a joint meeting of 2 committees to discuss possible use of the former DSS building. Dr. Emerson said the BOE had been asked for an up or down vote in regards to accepting the DSS facilities; however, there were too many questions before an informed decision could be made.

With no one else wishing to address the Board, Chairman Ford closed the Public Comment Period.

3. PUBLIC HEARING FOR PROPOSED ROAD NAME OF GEMINI DRIVE

Planning Technician Fredda Greer reported that the proposed road located south off the 3400 block of Bringle Ferry Road met the road naming criteria due to three (3) structures being located along the road. Ms. Greer said a letter was sent to the two (2) property owners and no petition was ever submitted to Staff. Ms. Greer said Staff recommended approval of Gemini Drive.

Chairman Ford opened the public hearing to receive citizen input regarding the proposed road name of Gemini Drive. The following individuals came forward:

- Vernon Smith of Bringle Ferry Road asked why the driveway in question should be named. Ms. Greer explained that the County's ordinance required a road with more than 3 structures to be named. Mr. Smith said there was nowhere to place a road sign and that he felt naming the road was a waste of money.
- Joe Perry of 3465 Bringle Ferry Road said 2 of the 3 properties in question with access to the driveway are owned by the same person. Mr. Perry said the third property owner had not yet been able to install his driveway. Mr. Perry said the properties were subdivided approximately 5 years ago and that the road in question was a driveway, not a road. Mr. Perry said it would be a "pain" for the property owners to change their mailing address and he also stated that there was nowhere to place a road sign.
- Robert Wolfe of 3485 Bringle Ferry Road said he did have road frontage and fully intended to put in a driveway. Mr. Wolfe said he had been unemployed for the last two (2) years and it would cost him approximately \$11,000 to put in the driveway. Mr. Wolfe said once the driveway was installed it would take care of the issue of a third residence being located on the road. Mr. Wolfe said he did not see the point in changing his address as it would change again when the driveway was installed. Mr. Wolfe suggested installing blue reflective address signs on the mail boxes for emergency services.

Commissioner Mitchell asked for clarification regarding Mr. Wolfe's ownership of the property located at 3485 Bringle Ferry Road. Mr. Wolfe said the property was in his wife's name, Natalie Errante.

Commissioner Mitchell inquired as to how long it would be before the driveway was put in. Mr. Wolfe said he would do a little work along as he became financially able.

Commissioner Mitchell asked if the request would be before the Board if the driveway was already installed. Ms. Greer responded that if there were only two (2) structures on the road the request would not be before the Board. Ms. Greer said the subdivision of the property was done in 2002 and the driveway had not yet been installed.

Commissioner Coltrain questioned the estimated cost of the driveway. Mr. Wolfe responded that there was a small creek the driveway would have to cross and that a bridge would have to be installed.

With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell moved to table the road naming request for six (6) months. Commissioner Barber seconded and the motion passed unanimously.

4. PUBLIC HEARING FOR 2011 COMMUNITY TRANSPORTATION GRANT APPLICATION

Senior Services Director Clyde Fahnestock provided a power point presentation as he explained that the North Carolina Public Transportation Division was accepting Community Transportation Program (CTP) applications for Fiscal Year 2011. Mr. Fahnestock said CTP was the principle source of funding for the RTS operations.

Mr. Fahnestock highlighted the funding request for the FY 2011 grant application as follows:

- Administration – Requesting a total of \$192,969; a 15% County match is required (\$28,945)
- Capital Equipment – Requesting a total of \$545,677; requires a 10% local match (\$54,568)
- Facility Improvement – Requesting a total of \$73,296; requires a 10% match (\$7,330)

Mr. Fahnestock asked the Board to:

1. Conduct a public hearing on the CTP application
2. Adopt the CTP Resolution
3. Approve Federal Transit Authority Certifications/Assurances

Chairman Ford opened the public hearing to receive citizen input regarding the proposed FY 2011 CTP grant application.

With no one wishing to address the Board, Chairman Ford closed the public hearing.

Commissioner Mitchell asked how the \$71,000 match compared to last year's contribution and Mr. Fahnestock said the current contribution from the County was approximately \$40,000.

In response to a query from Commissioner Hall, Mr. Fahnestock explained that ridership had continued to increase substantially and that the County was being recognized for the increase. Mr. Fahnestock stressed that anyone could use the RITA transit system and as a result of a recent federal audit all the vehicles must have a statement displayed that anyone could ride. Mr. Fahnestock said when East Rowan Express started running there would be impressive ridership numbers.

Commissioner Coltrain asked if there were funds in the current budget to apply towards the \$30,000 increase for next year. Commissioner Mitchell explained that \$28,945 did not include the \$12,333 reimbursement so the total would

actually be \$16,212; therefore the County would not actually put any more money into the program.

Finance Director Leslie Heidrick said Commissioner Mitchell was correct.

Commissioner Coltrain moved approval of the CTP Resolution as presented. The motion was seconded by Commissioner Barber.

Chairman Ford asked if people could ride the vans anywhere. Mr. Fahnestock said the vans would not transport to/from gambling parlors and alcohol was not allowed to be carried on the vans.

Upon being put to a vote, the motion passed unanimously.

The Resolution was presented as follows:

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, Rowan County hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

NOW, THEREFORE, be it resolved that the Rowan County Manager Gary Page of is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement, with the NCDOT to provide rural public transportation services.

5. SECOND READING FOR PROPOSED TEXT AMENDMENTS TO CHAPTER 2 (ADMINISTRATION) OF THE ROWAN COUNTY CODE OF ORDINANCES

Chairman Ford stated that the Rowan County Code of Ordinances required a second reading for any ordinance or text amendment that did not initially receive unanimous approval from the Board. Chairman Ford said the proposed text

before the Board did not receive unanimous approval on March 1, 2010 and was therefore being submitted for a second reading.

Commissioner Barber moved to approve the proposed text amendments. The motion was seconded by Commissioner Hall.

Commissioner Coltrain said he was going to vote against the proposed text amendments as he did not feel that using the eminent domain tool for a bicycle or walking trail was justified. Commissioner Coltrain said he could not say that he would never vote to use eminent domain to acquire and pay for property that would help provide needed services to an industry that would be providing jobs. Commissioner Coltrain said according the General Statutes "it is not needed anyway".

Commissioner Hall said she was in support of the amendments due to the KELO decision, which she described as economic development gone bad.

Commissioner Mitchell pointed out the State did not allow the use of eminent domain that would result in a KELO-type decision. Commissioner Mitchell said the ordinance would be a secondary protection for property owners.

Upon being put to a vote, the motion passed 4-1 with Commissioner Coltrain dissenting.

6. CONSIDER APPROVAL TO PURCHASE PROPERTY FOR JAIL SITE

County Manager Gary Page said on February 15, 2010, the Commissioners had tentatively selected a 29-acre site for a new jail annex on Grace Church Road.

Mr. Page referred to a handout he had provided to the Board prior to the meeting. Mr. Page said the property had been appraised at \$450,000, which was more than the \$406,000 asking price. Mr. Page referred to the second page of the handout and pointed out there were no flood hazards. Mr. Page said there was a water tank within 1,000 feet; however, sewer would be needed. Mr. Page said the estimate for sewer was \$250,000-\$300,000. Mr. Page said the property was zoned to accommodate a jail facility.

Mr. Page said the environmental assessment conclusions listed on page 18 stated there was no evidence of recognized environmental conditions. Mr. Page said there was a small diesel storage tank on the eastern end of the property that had been used to hand pump diesel for a small train for kids. Mr. Page said before the County closed on the property, the soil would be tested and if tainted soil was found, it would be taken to the Landfill to be eventually disposed of. Mr. Page said SM&E did not anticipate any problems with the property due to the small size of the tank.

Mr. Page said he would need the Board's approval to purchase the 29 acres for \$406,000, contingent on a survey and setting a closing date with the County Attorney. Mr. Page said with the Board's approval a surveyor would be selected to start the process.

Commissioner Barber moved to give the County Manager the authority to complete the final survey and establish a closing date contingent upon the fact that no other issues came back to the Board. The motion was seconded by Commissioner Coltrain.

Commissioner Barber said he felt the property was a good deal for the County and he expressed appreciation to the property owner for his cooperation in working with the County.

Commissioner Hall thanked Mr. Page and staff for their efforts in seeking the property. Commissioner Hall said she was glad to move forward with the project.

Commissioner Mitchell said that expanding the search criteria for property had worked well and he thanked Mr. Page and staff for their efforts.

Commissioner Coltrain said the Board had told citizens the intent was to try to use County property for the project; however, it had turned out to not be the best option. Commissioner Coltrain said the Jail Committee had considered other sites; however, the proposed site was the only action the Commissioners had actually taken.

Chairman Ford said the other options never made it out of committee.

Upon being put to a vote, the motion on the floor passed unanimously.

7. DISCUSSION REGARDING REVISED JOB DESCRIPTION FOR CLERK TO THE BOARD

Chairman Ford said the discussion would focus on the position and not about the person. Chairman Ford said the job description had never been clarified in writing as to whether the Clerk was supposed to be the Clerk to the Board and report to the Board, or also report to the County Manager.

Chairman Ford explained that the Clerk's position could be terminated by 3 votes if a problem arose and the Clerk reported solely to the Board; however, if the Clerk also reported to the County Manager, the Clerk would have due process like all other county employees.

Commissioner Mitchell moved the job description out of Committee.

Commissioner Coltrain said there were several references in the proposed job description for the Clerk to assist the County Manager and that daily supervision

was received from the County Manager. Commissioner Coltrain felt it would be appropriate for the Clerk to have a dual title, Clerk to the Board/Assistant to the County Manager, based on the role outlined in the job description. Commissioner Coltrain said the County Manager was more qualified to evaluate the job performance of the position. Commissioner Coltrain said the dual title would also provide comfort to the individual holding the position in knowing that she did not serve at the “whim of 3 politicians”.

Commissioner Coltrain moved to change the title of the position to Clerk to the Board/Assistant to the County Manager. Chairman Ford seconded the motion.

Commissioner Hall referred to page 3, which stated the job description did not create an employment contract, implied or otherwise. Commissioner Hall asked County Attorney Jay Dees if the position was “at will”.

Mr. Dees said yes, as discussed in the context of Clerk to the Board.

Commissioner Hall asked if the position would have a contract if approved based on the motion. Mr. Dees said if approved, the position would have the same relationship as any other employee. Mr. Dees said as Assistant to the County Manager, the position would fall under the personnel policy of the County.

Commissioner Hall noted that the position supervised and delegated the work of the Administrative Secretary V in the County Manager’s Office. Commissioner Hall asked if the County Manager would also have discretion in working with the Administrative Secretary.

Commissioner Coltrain said the County Manager would be over both positions overall.

Commissioner Mitchell said the duties would be listed in the Administrative Secretary V job description and that it would not be found in the Clerk’s job description.

Commissioner Coltrain said supervision of the Administrative Secretary V would be a primary responsibility of the Clerk, with the County Manager having responsibility for both positions.

County Manager Gary Page said on a day to day basis, the Administrative Secretary is supervised by the Clerk; however, only he could terminate the position.

Mr. Page said he had worked with Clerks in both situations, where there was a dual title and where the Clerk reported specifically to the Board. Mr. Page said he could work with the situation either way. Mr. Page said every two (2) years, the Clerk was subject to being replaced based on elections but with the dual title,

the Clerk could not be replaced unless she was not doing her job. Mr. Page said there were 2 distinct and clearly different ways for the Board to establish the job description.

Chairman Ford said the dual title would take some of the politics out of the position.

Mr. Page said the worst scenario would be having a new board every two (2) years and a new Clerk. Mr. Page said the scenario for a “revolving door Clerk” would be disastrous as it took a Clerk two (2) years to “get her feet on the ground”.

Commissioner Mitchell said he had served on the Board during the time when Assistant to the County Manager was part of the Clerk’s job title and that he did not support going back to that point. Commissioner Mitchell said he felt the Clerk to the Board is the Clerk “to our Board” and that was how he wished to see the job description.

Upon being put to a vote the motion on the floor passed 4-1, with Commissioner Mitchell dissenting, for the Clerk’s title to be Clerk to the Board/Assistant to the County Manager.

Commissioner Mitchell pointed out that the vote just taken was for an amendment to the motion and the Board needed to vote on the motion itself.

Mr. Dees explained that the main motion was to accept the job description.

Chairman Ford called for a vote on the main motion with the amendment, which passed 4-1 with Commissioner Mitchell dissenting.

Commissioner Barber said Carolyn Athey, the Clerk to the Board, was helping to host and sponsor the North Carolina Association of County Clerks’ Annual Conference (Conference) from April 15-17, 2010. Commissioner Barber said it would be the first time Rowan County had ever hosted the event. Commissioner Barber said Ms. Athey had put in a tremendous amount of work to put the Conference together. Commissioner Barber said he had received an update from Ms. Athey and he said the event would bring a lot of visibility to the County that it would not have otherwise received. Commissioner Barber commended Ms. Athey for the responsibility accepted and her efforts in hosting the Conference.

Chairman Ford said the event would bring a lot of people and tax money to the County, which would be appreciated.

Commissioner Hall reported that Ms. Athey had completed a course of study through the School of Government in Chapel Hill and had earned the distinction

of North Carolina Certified County Clerk. Commissioner Hall said Ms. Athey was in the inaugural class of only 39 Clerks in the State to receive the distinction. Commissioner Hall said the distinction was in addition to Ms. Athey having earned the designation of Certified Municipal Clerk. Ms. Hall thanked Ms. Athey for her achievements.

Chairman Ford expressed congratulations to Ms. Athey.

8. REPORTS

The following reports were submitted for the Board's consideration:

- (a) Update from Chairman Ford Regarding a New Lease With Rowan County Fair Association
- (b) Update From Chairman Ford Regarding Offer of Former DSS Building to Rowan-Salisbury School System
- (c) County Manager's Monthly Activity Report

- Chairman Ford said he had an update on report (a) regarding a new lease with the Rowan County Fair Association (RCFA). Chairman Ford said he found out just prior to the meeting that the RCFA would accept a five (5) year contract as is.

Commissioner Mitchell asked how quickly action was needed on the lease. Commissioner Mitchell said he was willing to support the lease now, as is, if necessary.

Commissioner Barber said he believed the RCFA had already signed a contract with the rides vendor and he asked if the contract was for one (1) year or contingent upon the Board's decision for a lease extension.

John Love with the RCFA responded from the audience and said the contract was for one (1) year and was tentative on the outcome of the lease extension.

County Attorney Jay Dees said if the offer was to continue the existing lease for five (5) years, the Board could vote on a simple lease amendment to change the term from the original three (3) year term to five (5) years, as long as the rest of the language remained the same.

Commissioner Mitchell said he did not want to push the issue; however, if a decision was needed he was willing to vote now.

Chairman Ford said he would like for the Board to have the lease to review before making a decision and that he preferred to discuss the issue in two (2) weeks.

- Commissioner Barber said he wanted to discuss the former Department of Social Services (DSS) building and Rowan-Salisbury School (RSS) System. Commissioner Barber said he had understood from the January 4, 2010 Commission Meeting, that the Board was going to have the committee get together to discuss the possibilities for use of the building as a central office. Commissioner Barber said he was not under the impression that the Board was asking the Board of Education (BOE) to take an up or down vote. Commissioner Barber said he wanted to know what the costs would be up front if the school system accepted the building. Commissioner Barber asked who would pay for a feasibility study and the costs for the physical move from Long Street. Commissioner Barber also questioned the loss of the Daymark revenue for leasing of space. Commissioner Barber said if the school system were to use the building it would take away the Board's ability to sell the building for economic development. Commissioner Barber said the current value of the building was assessed at \$1.8 million. Commissioner Barber said he wanted to know the costs before making a decision on whether to allow the school system to occupy the building. Commissioner Barber said while the move would address safety issues, it appeared the move would not accommodate all personnel. Commissioner Barber questioned where the remaining personnel would locate and he also discussed board meeting facilities. Commissioner Barber stressed that committee conversations were needed. Commissioner Barber questioned whether the vote would be for the school system to occupy the building with the County being responsible for the upkeep or was it to transfer the deed to the school system. Commissioner Barber questioned whether the school system would be able to then sell the building if they had the deed. Commissioner Barber repeated his points and questions and encouraged the Board to allow the committee to get together for discussion.

Commissioner Coltrain said he had made notes and that he and Chairman Ford would have a meeting with the committee.

Chairman Ford read the motion from the January 4, 2010 Commission Meeting. Chairman Ford said he had been told by several school board members and staff they did not want the building; however nothing had been made official. Chairman Ford said he understood the committee needing to meet to discuss other options. Chairman Ford said perhaps he had misinterpreted the motion that the BOE should indicate whether they were interested in the building. Chairman Ford said Dr. Emerson had contacted him to advise that the topic would be on the next agenda for the BOE. Chairman Ford said he had been waiting on action by the BOE before setting up the next committee meeting.

Commissioner Barber said Dr. Emerson indicated to him that the topic would be discussed on a future agenda after the committee met to answer

questions. Commissioner Barber said the BOE could not make a decision until its questions were answered. Commissioner Barber repeated his question of whether the vote would be for the County to retain the deed or transfer the deed to the school system. Commissioner Barber stated either way there would be costs associated.

Chairman Ford said he thought the vote would be “yes, we want the building or no, we do not want the building” and then the committee would meet to discuss ownership, as well as the other issues.

Commissioner Coltrain felt it would not hurt for the committee to meet. Commissioner Coltrain said the only thing to lose would be time.

Commissioner Hall said she attended the BOE meeting and most of the comments were made as to why the building would not work. Commissioner Hall said there were no comments from the BOE thanking the Commissioners for thinking of the school system from a safety standpoint and there were no discussions that a safety issue still existed. Commissioner Hall said the first part of the meeting focused on financial discussions and the school system’s interest in asking the Commissioners for an additional \$3.3 million due to state cuts. Commissioner Hall asked where the money would come from. Commissioner Hall said once the federal stimulus money was lost an additional \$5 million would be needed. Commissioner Hall said the school system’s finance officer did not recommend using the \$6 million in undesignated fund balance the school system currently had. Commissioner Hall said the school system had some real needs. Commissioner Hall said the central office had been listed as the top capital need a year ago and she asked whether or not it remained as the top need. Commissioner Hall pointed out two (2) elementary schools had several water issues.

Commissioner Hall agreed with Chairman Ford that the BOE should advise the Commissioners if the school system was interested in the building. Commissioner Hall said she was unsure the committee would be able to determine all the costs and the County would have to make an investment to answer those questions.

Commissioner Barber said the County had \$21 million of undesignated fund balance which partly was there for a “rainy day” and partly due to the requirements from the Local Government Commission. Commissioner Barber said the BOE fund balance was \$6 million and the BOE had the same requirements as the Board. Commissioner Barber said the County would lose \$1 million of revenue from Daymark if the BOE were to take the building. Commissioner Barber questioned where Daymark would move to. Commissioner Barber said the building could be sold to a

company to create jobs. Commissioner Barber questioned who would cover the feasibility study, moving expenses and remodeling expenses.

Commissioner Hall said the BOE was not required to keep a fund balance and Commissioner Barber responded that the BOE needed a fund balance for a rainy day just like the Commissioners.

Commissioner Mitchell said he desired for the committee to meet to discuss whether the DSS building would meet the BOE's needs. Commissioner Mitchell said he did not feel a new building was "in the cards" for this year. Commissioner Mitchell said Commissioner Barber was right in the fact that the County would be losing revenue from Daymark's lease.

Commissioner Barber moved for the committee to schedule a date to discuss the possibility of the DSS building. Commissioner Coltrain seconded and the motion passed unanimously.

Note: A motion was made after approval of the budget amendments (agenda item #9) to accept the reports as submitted.

ADDITION:

8a. DISCUSSION REGARDING ENOCHVILLE FIRE DISTRICT AND CABARRUS COUNTY

Commissioner Barber said he had informed the Board that Cabarrus County was going to exercise its right to no longer require Enochville Fire Department to provide service to areas within Cabarrus County. Commissioner Barber questioned how the fire department would be affected and how much revenue would be lost. Commissioner Barber said Cabarrus County should have informed the Board such action was under consideration. Commissioner Barber said in 2007 Cabarrus County took the same action with the Gold Hill Fire Department without notifying the Board. Commissioner Barber said some formal dialogue was needed between the Board and Cabarrus County. Commissioner Barber said there had been some ongoing disputes of where the county lines fell. Commissioner Barber said discussions were also needed regarding the telecommunications project. Commissioner Barber said Cabarrus County could cancel the contract with Enochville Fire Department effective July 1, 2010. Commissioner Barber requested the Board to consider asking the County Manager and County Attorney to speak with Cabarrus County Manager and Attorney to see if a transition plan could be developed.

Commissioner Barber suggested that a transition plan move the July 1 date for a period of time. Commissioner Barber said the loss of the contract would eliminate half the coverage area for Enochville Fire Department. Commissioner Barber said "Enochville would be significantly less but yet still have some paid

personnel that they put on board” over the past few years due to monies received from Cabarrus County. Commissioner Barber said debt payments on equipment, including trucks, would still have to be paid. Commissioner Barber said there was also an issue of the County’s obligation to the taxpayers of the Enochville district to provide the best public safety possible. Commissioner Barber asked if the coverage area should be combined with another department such as Atwell or Landis Fire Department.

County Attorney Jay Dees stated Commissioner Barber had summarized the three (3) issues of primary importance. Mr. Dees said Enochville Fire Department would be losing \$120,000. Mr. Dees said the department staffed and purchased equipment for a five (5) mile fire district and without Cabarrus County it would not remain a five (5) mile district. Mr. Dees said the County would have to determine how to handle the remaining coverage area. Mr. Dees said he had received communication from the Cabarrus County Manager stating they would move forward with terminating the contract. Mr. Dees said he respectfully requested the Cabarrus County Board consider a second action item to meet with the impacted staff to discuss the issues raised. Mr. Dees said in regards to the county line issue, Cabarrus County had taken the steps to adopt the new line based on the state’s survey work and Rowan County had not taken those steps at this time. Mr. Dees said the 911 upgrade was also an issue.

Commissioner Mitchell said while he agreed with the prospect of meeting with Cabarrus County officials to discuss the issues it was important to note the County was on a 90-day clock as of tonight. Commissioner Mitchell said if the County did not have a plan in place in 90 days and Cabarrus County did not grant an extension, there would be a huge problem with fire protection in the Enochville district. Commissioner Mitchell said a plan was needed to deal with fire protection in that area prior to the end of the 90 days.

Commissioner Barber moved to instruct staff to work with their counterparts in Cabarrus County to come up with a transition plan and determine the possibilities “for them compensating us, the Enochville Fire district, for a period of time, so instead of the clock starting to tick at July 1st it could tick at a future date”; begin discussions about the boundary dispute and the coexistence of a tower that would help both counties with the telecommunications needs that both understand we have to address”. Commissioner Barber continued by saying the next part would be to come up with a plan to help decide how we are going to make sure the public safety of our citizens in Enochville is covered once the dead date has been determined. Commissioner Coltrain seconded the motion.

Commissioner Coltrain said last week he attended the Centralina Council of Governments meeting and briefly discussed the issue with Cabarrus County Commissioner, Elizabeth Poole. Commissioner Coltrain said Ms. Poole seemed amicable to working on the issue.

Upon being put to a vote the motion passed unanimously.

9. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick submitted the following budget amendments for the Board's approval:

- Health Department – Decrease of \$19,688 to balance budget for Smart Start Child Care Consultant Grant
- Health Department – Decrease Health Check Coordinator budget. State is no longer providing funding for these services in Rowan County - \$17,941
- Health Department – New Federal Title X funds for all local health departments. Funds will be used for salary and fringe FY 2009-10 \$18,076
- Finance – To increase the fire department budget to allow for increased collections - \$175,880

Commissioner Mitchell referred to the fire department budget and questioned the estimated collection rate and the current collection rate that allowed for \$175,880 to be added. Ms. Heidrick explained that the initial valuations used from the Tax Assessor's office differed from the levy. Ms. Heidrick said this year the collection rate was budgeted at 95.25% and was on target, or at 95%.

Commissioner Mitchell asked if the increase was due to the fact that property in the area was undervalued and the final numbers were higher and Ms. Heidrick said yes.

At this time, Commissioner Coltrain moved to accept the reports (agenda item #8) as written. Commissioner Mitchell seconded the motion.

- At the request of Commissioner Hall, County Manager Gary Page provided the Board with an update regarding completion of the jail pod.

Mr. Page said the project total was approximately \$4 million and had started in March or April of 2008. Mr. Page said Phase 1 consisted of courtrooms, District Attorney space, Sheriff's Department evidence space and office space. Mr. Page said Phase 1 went along as planned.

Mr. Page said Phase 2 was building 48 beds in the new pod that had proven to be more difficult due to being a retrofit as opposed to new construction. Mr. Page said there were problems with the grinder pump that had to be relocated and slowed the project by approximately 3 or 4 months. Mr. Page said there were also problems with the smoke evacuation system that had also slowed the project by several months.

Mr. Page reported that the architect had said the contractor was good; however, he was slow. Mr. Page said it was difficult to dismiss a

contractor and try to bid out the remaining work. Mr. Page said the County had not lost any money on the extra time to complete the project. Mr. Page said the new section would be opened and the County would have to turn around and have to draw up plans to bring the old system up to speed. Mr. Page said he would probably have to request additional funds from the Board to make the old system work. Mr. Page said he thought the situation was close to being resolved.

Upon being put to a vote the motion to accept the reports passed unanimously.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to approve the budget amendments passed unanimously.

10. ADJOURNMENT

There being no further business to come before the Board, Commissioner Mitchell moved to adjourn at 8:43 pm. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Athey, CMC, NCCCC
Clerk to the Board/Assistant to the County Manager